

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRYAN DARRELL WALKER,

Petitioner,

Case Number: 2:10-CV-12413

v.

HONORABLE DENISE PAGE HOOD

CINDI CURTIN,

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR
APPOINTMENT OF COUNSEL

Petitioner Bryan Darrell Walker, a state inmate currently incarcerated at the Oaks Correctional Facility in Manistee, Michigan, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Now before the Court is Petitioner's Motion for Appointment of Counsel.

There exists no constitutional right to the appointment of counsel in civil cases, and the court has broad discretion in determining whether counsel should be appointed. *Franklin v. Rose*, 765 F.2d 82, 85 (6th Cir. 1985) (holding that a habeas petitioner is not entitled to the appointment of counsel to assist in habeas corpus proceedings); *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (“[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.”) (internal quotation omitted). A habeas petitioner may obtain representation at any stage of the case “[w]henver the United States magistrate or the court determines that the

interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). The Court determines that the interests of justice do not require appointment of counsel at this time.

Accordingly, **IT IS ORDERED** that Petitioner’s Motion for Appointment of Counsel [dkt. # 10] is **DENIED WITHOUT PREJUDICE**. The Court will reconsider Petitioner’s motion if it determines at a later date that appointment of counsel is necessary.

s/Denise Page Hood
United States District Judge

Dated: September 15, 2011

I hereby certify that a copy of the foregoing document was served upon Bryan Walker #166838, Oaks Correctional Facility, 1500 Caberfae Highway, Manistee, MI 49660 and counsel of record on September 15, 2011, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager